



OFFICE OF PUBLIC INSTRUCTION

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Superintendent

TO: District Clerks/Business Managers
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County Superintendents

FROM: Mike Waterman, Fiscal Officer
School Budgeting and Accounting Division

DATE: April 8, 2003

SUBJECT: Declaring Trustee Elections by Acclamation

The Office of Public Instruction recently reviewed its interpretation of instances in which trustees may declare an election by acclamation. The governing statute, 20-3-313, MCA, reads: "If the number of candidates filing for a position or filing a declaration of intent to be a write-in candidate under 13-10-211 is equal to the number of positions to be elected *and there is no other reason for the election*, the trustees may give notice that an election will not be held" (emphasis added).

The previous interpretation of the "no other reason for the election" phrase included elections for any purpose, including general fund elections. This fall, OPI researched the matter further. OPI Legal Counsel, the Secretary of State's office and the MASBO Board have agreed that we should be able to interpret this statute more leniently. Therefore, effectively immediately, districts that meet all other requirements for declaring an election by acclamation will no longer be encouraged to conduct trustee elections in conjunction with their general fund election.

OPI amended the Election Manual to reflect this interpretation. The manual is available at www.opi.state.mt.us/schoolfinance/forms.html and the acclamation resolutions are on pages 35 and 36. Districts can declare this year's election by acclamation on April 11, 2003 if the number of trustee candidates does not exceed the number of open positions.

Please contact me at (406) 444-4524 if you have any questions or need additional information.